

EXHIBIT F

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Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 CR 48 (JGK)

5 ROYCE CORLEY,

6 Defendant.

7 -----x
8 New York, N.Y.
9 February 7, 2013
10 3:40 p.m.

11 Before:

12 HON. JOHN G. KOELTL,

13 District Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

TATIANA R. MARTINS

17 AMANDA KRAMER

18 Assistant United States Attorneys

19 FEDERAL DEFENDERS OF NEW YORK

20 Attorneys for Defendant

21 PHILIP L. WEINSTEIN
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Conference

1 (In open court)

2 THE DEPUTY CLERK: *United States of America v. Royce*
3 *Corley.*

4 Will all parties state who they are for the record.

5 MS. MARTINS: Tatiana Martins for the United States
6 and with me is my colleague, AUSA Amanda Kramer. Good
7 afternoon, your Honor.

8 MS. KRAMER: Good afternoon, your Honor.

9 THE COURT: Good afternoon.

10 MR. WEINSTEIN: Phil Weinstein, Federal Defenders, for
11 Mr. Corley.

12 THE COURT: Good afternoon. I note that the defendant
13 is present.

14 All right. Where are we?

15 MS. MARTINS: Your Honor. Mr. Corley was relocated
16 from the State on January 29th, 2013. He was presented and
17 arraigned on that day as a referral from your chambers, and so
18 we're here today for the initial pretrial conference.

19 THE COURT: Okay. Tell me about the case, please.

20 MS. MARTINS: Your Honor, this is a two-count
21 indictment against Mr. Corley for sex trafficking of a minor in
22 violation of Section 1591(a) and (b)(2).

23 THE COURT: Yes?

24 MS. MARTINS: And he faces, pursuant to those charges,
25 a statutory minimum of ten years.

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Conference

1 THE COURT: Have you begun to make discovery?

2 MS. MARTINS: Your Honor, the government has made some
3 preliminary discovery and we are in the process of working with
4 the DA's office in Manhattan who originally had this case to
5 gather-- it's a significant volume of discovery. There are
6 bank records, visa records, computer records from both
7 Mr. Corley's work and home. There are also several types of
8 media that were seized in connection with a search warrant that
9 contained many, many pictures and other types of files. So we
10 are in the process of gathering that.

11 The government is also considering -- or
12 investigating, I should say, whether we may supersede the
13 indictment with a child pornography count or counts. So that's
14 where we are.

15 THE COURT: Are there any charges that remain pending
16 in the state?

17 MS. MARTINS: No, your Honor. My understanding is the
18 state has dismissed their case once Mr. Corley was indicted
19 federally.

20 THE COURT: Okay. Are there any statements?

21 MS. MARTINS: The government's understanding is
22 Mr. Corley has not made any statements in connection with this
23 case.

24 THE COURT: I'm not quite sure if that was
25 deliberately couched or not.

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Conference

1 MS. MARTINS: No, your Honor. I haven't had a chance
2 to review all of the materials, obviously, because they're with
3 the state and there was a significant amount of investigation
4 before we took the case. So my understanding from the ADA is
5 that there are no statements.

6 THE COURT: Okay. I mean, obviously if there are
7 statements that are covered by the rules, you'll turn them
8 over.

9 MS. MARTINS: Of course.

10 THE COURT: And how much time do you need to complete
11 discovery?

12 MS. MARTINS: Your Honor, we'd like one month.

13 THE COURT: Okay.

14 MS. MARTINS: In addition, your Honor, I just wanted
15 to mention that we've been in discussions starting today with
16 Mr. Weinstein about how to produce some of the files which
17 contained pornographic materials as well as potentially child
18 pornography. So we're in discussions about how to make those
19 files available to the defendant in a way that obviously
20 satisfies all of the rules of the MDC and the MCC.

21 THE COURT: Okay. Mr. Weinstein, is there anything
22 you'd like to tell me?

23 MR. WEINSTEIN: Just a couple of short things. Number
24 one, at least my understanding is there was probably a lineup
25 in this case. I'm not positive, but I think one of the alleged

Case 1:13-cr-00048-AJN Document 5 Filed 02/28/13 Page 5 of 8
D27BCORC Conference

1 victims may have made a proporial identification.

2 Second, the complication that the government just
3 mentioned, and a possible solution which we'll need the Court's
4 assistance on, and this is being done by Judge Gardephe in the
5 Valley case, is that-- and the government is looking into this.
6 So that the government would supply-- some of the material
7 would be considered contraband if it was in prison, especially
8 sexually explicit images.

9 So what they did in that case is the government
10 supplied a laptop which had no ability to e-mail or use the
11 internet. They then loaded the material on, they are inspected
12 by the marshals and the BOP, and then the defendant was
13 permitted in a restricted area to review it.

14 So assuming the government will check that out with
15 the prosecutors in that case and there have been no problems
16 with that, we might ask the Court for an order for similar
17 access.

18 THE COURT: Okay. It sounds as though one month for
19 discovery seems reasonable. I would normally set this down
20 then for another conference a reasonable period of time after
21 the defense has had an opportunity to review that discovery and
22 to determine what motions, if any, the defense intends to make.

23 That would probably -- depending upon how much time
24 you think, Mr. Weinstein. A month? Six weeks?

25 MR. WEINSTEIN: I would assume from the time we get

D27BCORC

Conference

1 it, yes, I think that would be about right. As I said, the
2 only complicating factor is getting BOP on board so that
3 Mr. Corley can review the material. And I don't know what the
4 volume is either. I don't know in terms of the number of
5 documents plus images and all the rest, but I think at least
6 for conference purposes, that would be fine.

7 THE COURT: How about Tuesday, April 23rd at 4:30
8 p.m.? Is that satisfactory for both sides?

9 MS. MARTINS: That's fine for the government, your
10 Honor.

11 MR. WEINSTEIN: That's fine, your Honor.

12 THE COURT: Okay. Another conference April 23, 4:30
13 p.m. I will exclude prospectively the time from today until
14 April 23rd from speedy trial calculations. The continuance is
15 designed to assure effective assistance of counsel; it's
16 designed to allow the government to complete discovery and the
17 defense to review it; and to determine what motions, if any,
18 the defense intends to make.

19 The Court finds that the ends of justice served by
20 ordering the continuance outweigh the best interests of the
21 defendant and the public in a speedy trial. This order of
22 exclusion is made pursuant to 18 U.S.C. Section 3151(h)(7)(A).

23 Is there any time off the speedy trial clock? I had
24 excluded time until today-- or, rather, I'm sorry --

25 MS. MARTINS: The magistrate judge did exclude time

Case 1:13-cr-00048-AJN Document 5 Filed 02/28/13 Page 7 of 8
D27BCORC Conference

1 until today, your Honor.

2 THE COURT: So no time off the speedy trial?

3 MS. MARTINS: No time.

4 THE COURT: You agree with that, Mr. Weinstein?

5 MR. WEINSTEIN: Yes, that's correct.

6 THE COURT: Okay. Anything else?

7 MR. WEINSTEIN: Your Honor, so assuming the government
8 is comfortable with the procedure I had mentioned to the Court
9 previously, Judge Gardephe just did it on the transcript,
10 although we could submit a joint order to the Court. It's your
11 preference. Then we would then send it to the BOP and the
12 marshals.

13 THE COURT: If the transcript is satisfactory for the
14 BOP and the marshals, and the parties agree with it after
15 checking with-- is it the MCC?

16 MR. WEINSTEIN: MDC.

17 THE COURT: -- after checking with the MDC, that's
18 fine with me. And the transcript can act as the order of the
19 Court unless the BOP or the marshals need a separate order.

20 MR. WEINSTEIN: So assuming it's-- just so the
21 transcript is clear, if this is what we're submitting, that the
22 Court is -- assuming the parties agree to this, we can then
23 submit it to the BOP and to the marshals.

24 THE COURT: Right.

25 MR. WEINSTEIN: Okay.

Case 1:13-cr-00048-AJN Document 5 Filed 02/28/13 Page 8 of 8
D27BCORC Conference

1 THE COURT: To allow an agreed-upon computer that will
2 go to the MDC, where the MDC will make an arrangement available
3 that the defendant can view that computer at a secure location
4 at the MDC. So it requires that the Bureau of Prisons agree on
5 that; that they have a place to let the defendant see it; and
6 that whatever procedures the BOP has to get the computer into
7 the prison, put it in the room and let the defendant see it,
8 that's certainly agreeable to the Court. And if the BOP needs
9 an order saying go forward, this transcript can act as that
10 order.

11 MR. WEINSTEIN: Thank you.

12 MS. MARTINS: And, your Honor, the government will let
13 Mr. Weinstein know if there are any objections by Monday.

14 THE COURT: That's fine.

15 MR. WEINSTEIN: That's fine. Thank you, your Honor.

16 THE COURT: Okay. Anything else?

17 MR. WEINSTEIN: Not from the defense.

18 MS. MARTINS: Not from the government. Thank you.

19 THE COURT: Very well. Nice to see you all.

20 (Adjourned)
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